

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RICHARD MITCHELL,

Plaintiff,

v.

THE DIEZ GROUP, LLC

d/b/a DIEZ GROUP,

and

THE DIEZ GROUP KANSAS CITY,

LLC d/b/a DELACO STEEL KANSAS

CITY,

Defendants.

Case No. 4:23-CV-00138-GAF

Hon. Gary A. Fenner

DEFENDANTS' UNOPPOSED MOTION TO STAY
FINAL PRETRIAL CONFERENCE AND TRIAL

Defendants The Diez Group, LLC and The Diez Group Kansas City, LLC respectfully request that the Court stay the Final Pretrial Conference and trial dates until after the Court has ruled on the pending summary judgment motion. In support of this request, Defendants state as follows:

1. Defendants timely filed their Motion for Summary Judgment on January 15, 2024. (*See* Dkt. 36.) Plaintiff sought and received a one-week extension to the deadline for his Opposing Suggestions and filed them on February 12, 2024. (*See* Dkt. 44.) Defendants filed their Reply Suggestions on March 4, 2024. (*See* Dkt. 45.)
2. The Court has not yet ruled on Defendants' Motion for Summary Judgment.
3. Under the Scheduling and Trial Order, the Final Pretrial Conference is currently scheduled for May 16, 2024, with a jury trial scheduled to commence on June 18, 2024.

4. Defendants respectfully request that the Court stay the Final Pretrial Conference and trial until after it has ruled on the pending summary judgment motion. Doing so will relieve the Court and the parties from having to expend unnecessary time and effort preparing to try issues that may ultimately be resolved at summary judgment. Plaintiff's Complaint alleges six different causes of action. Thus, even a partial grant of summary judgment could significantly impact the scope of the trial and the parties' preparations for it.

5. Defendants have not previously requested an extension to the Joint Pretrial Conference or trial dates.

6. Defendants are acting in good faith, and granting their request will not cause undue delay or unduly prejudice any of the parties.

7. As noted above, Defendants' counsel conferred with Plaintiff's counsel and Plaintiff's counsel does not oppose this request.

Accordingly, Defendants respectfully request that the Court stay the Final Pretrial Conference and trial dates until after the Court has ruled on the pending summary judgment motion.

Respectfully submitted,

Dated: April 30, 2024

By: /s/ Robert J. Finkel
Robert J. Finkel (*admitted pro hac vice*)
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2024, the foregoing was served via the Court's CM/ECF system, which sent electronic notice of the filing to all counsel of record.

/s/ Robert J. Finkel
Robert J. Finkel